



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bryan C. Gebhardt, Kalpesh R. Patel, Allan C. Thygesen, Steve Berriatua, Christopher J. Michel

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APPLICATION NO.: 09/333,724

JUL 22 2004

FILING DATE: June 15, 1999

Technology Center 2600

TITLE: Automatic Control Of Broadcast And Execution Of Interactive Applications To Maintain Synchronous Operation With Broadcast Programs

EXAMINER: Jason Salce

GROUP ART UNIT: 2611

07/20/2004 HTECKLU1 00000099 09333724

01 FC:1806


180.00 OP

ATTY. DKT. NO.: 19502-03550

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 7/15/04

By:   
Jeffrey Brill, Reg. No.: 51,198

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

19502/03550/DOCS/1443980.1

06/17/04

## PATENT

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☒ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a

**PATENT**

foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO.; filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

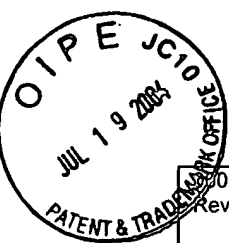
Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
BRYAN C. GEBHARDT ET AL.

Dated: 7/15/04

By: Jeffrey Brill  
Jeffrey Brill, Reg. No.: 51,198  
Fenwick & West LLP  
Silicon Valley Center  
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2611/5  
+



|  |    |  |                   |
|--|----|--|-------------------|
| 001/PTO<br>Rev. 10/95  |    | U.S. Department of Commerce<br>Patent and Trademark Office |                   |
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence during pendency of filed application)</i> |    | Application Number   | 09/333,724        |
|  |    | Filing Date  | June 15, 1999     |
|  |    | First Named Inventor                                       | Bryan C. Gebhardt |
|  |    | Group Art Unit Number                                      | 2611              |
|  |    | Examiner Name  | Jason Salce       |
| Total Number of Pages in This Submission   | 7* | Attorney Docket Number                                     | 19502-03550       |

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| ENCLOSURES (check all that apply)   |  |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input checked="" type="checkbox"/> Check Enclosed<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input type="checkbox"/> Response to Notice to File Missing Parts<br><input type="checkbox"/> Assignment & Recordation Cover Sheet<br><input type="checkbox"/> Declaration<br><input type="checkbox"/> Power of Attorney<br><input type="checkbox"/> Application Data Sheet<br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement & PTO/SB/08A<br><input checked="" type="checkbox"/> Copies of IDS Cited References<br><input type="checkbox"/> Request for Corrected Filing Receipt<br><input type="checkbox"/> Request for Correction of Recorded Assignment<br><input type="checkbox"/> Amendment/Response: [ ] Page(s)<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Status Request<br><input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> Issue Fee Transmittal<br><input type="checkbox"/> Letter to Chief Draftsperson<br><input type="checkbox"/> Formal Drawing(s):<br>[ ] Sheet(s) of Figure(s) [ ]<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br><i>(Appeal Notice, Brief, Reply Brief)</i><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____ |
| <b>REMARKS:</b> *Page count does not include cited references.  |  |

| SIGNATURE OF ATTORNEY OR AGENT |                                |                |
|--------------------------------|--------------------------------|----------------|
| Signature:                     |                                |                |
| Attorney/Reg. No.:             | Jeffrey Brill, Reg. No. 51,198 | Dated: 7/15/04 |

| CERTIFICATE OF MAILING  |               |                |
|---|---------------|----------------|
| I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10. |               |                |
| Signature:  |               |                |
| Typed or Printed Name:  | Jeffrey Brill | Dated: 7/15/04 |
| Express Mail Mailing Number (optional):   |               |                |



# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 180.00

Complete if Known

Application Number 09/333,724  
Filing Date June 15, 1999  
First Named Inventor Bryan C. Gebhardt  
Examiner Name Jason Salce  
Art Unit 2611  
Attorney Docket No. 19502-03550

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## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name

Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 770      | 2001     | 385      | Utility filing fee     |          |
| 1002     | 340      | 2002     | 170      | Design filing fee      |          |
| 1003     | 530      | 2003     | 265      | Plant filing fee       |          |
| 1004     | 770      | 2004     | 385      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

**SUBTOTAL (1)** (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
|                    | -20**        | X              |          |
| Independent Claims | -3**         | X              |          |
| Multiple Dependent |              |                |          |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description   |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| 1202                  | 18                    | 2202                  | 9                     | Claims in excess of 20                                    |
| 1201                  | 86                    | 2201                  | 43                    | Independent claims in excess of 3                         |
| 1203                  | 290                   | 2203                  | 145                   | Multiple dependent claim, if not paid                     |
| 1204                  | 86                    | 2204                  | 43                    | **Reissue independent claims over original patent         |
| 1205                  | 18                    | 2205                  | 9                     | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 1051                  | 130                   | 2051                  | 65                    | Surcharge - late filing fee or oath  |          |
| 1052                  | 50                    | 2052                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                  | 130                   | 1053                  | 130                   | Non-English specification  |          |
| 1812                  | 2,520                 | 1812                  | 2,520                 | For filing a request for ex parte reexamination                            |          |
| 1804                  | 920*                  | 1804                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                  | 1,840*                | 1805                  | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251                  | 110                   | 2251                  | 55                    | Extension for reply within first month                                     |          |
| 1252                  | 420                   | 2252                  | 210                   | Extension for reply within second month                                    |          |
| 1253                  | 950                   | 2253                  | 475                   | Extension for reply within third month                                     |          |
| 1254                  | 1,480                 | 2254                  | 740                   | Extension for reply within fourth month                                    |          |
| 1255                  | 2,010                 | 2255                  | 1,005                 | Extension for reply within fifth month                                     |          |
| 1401                  | 330                   | 2401                  | 165                   | Notice of Appeal   |          |
| 1402                  | 330                   | 2402                  | 165                   | Filing a brief in support of an appeal                                     |          |
| 1403                  | 290                   | 2403                  | 145                   | Request for oral hearing   |          |
| 1451                  | 1,510                 | 1451                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452                  | 110                   | 2452                  | 55                    | Petition to revive - unavoidable   |          |
| 1453                  | 1,330                 | 2453                  | 665                   | Petition to revive - unintentional   |          |
| 1501                  | 1,330                 | 2501                  | 665                   | Utility issue fee (or reissue)   |          |
| 1502                  | 480                   | 2502                  | 240                   | Design issue fee   |          |
| 1503                  | 640                   | 2503                  | 320                   | Plant issue fee  |          |
| 1460                  | 130                   | 1460                  | 130                   | Petitions to the Commissioner  |          |
| 1807                  | 50                    | 1807                  | 50                    | Processing fee under 37 CFR 1.17(g)  |          |
| 1806                  | 180                   | 1806                  | 180                   | Submission of Information Disclosure Stmt                                  | 180      |
| 8021                  | 40                    | 8021                  | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809                  | 770                   | 2809                  | 385                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                  | 770                   | 2810                  | 385                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                  | 770                   | 2801                  | 385                   | Request for Continued Examination (RCE)                                    |          |
| 1802                  | 900                   | 1802                  | 900                   | Request for expedited examination of a design application                  |          |

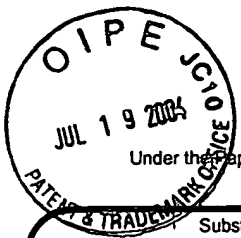
Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3)** (\$)

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

| Name (Print/Type) | Registration No. (Attorney/Agent) | 51,198 | Complete (if applicable) |
|-------------------|-----------------------------------|--------|--------------------------|
| Jeffrey Brill     |                                   |        | Telephone (650) 335-7291 |
| Signature         | Date                              |        | 7/15/04                  |



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

|                        |                   |
|------------------------|-------------------|
| Application No.        | 09/333,724        |
| Filing Date            | June 15, 1999     |
| First Named Inventor   | Bryan C. Gebhardt |
| Art Unit               | 2611              |
| Examiner Name          | Jason Salce       |
| Attorney Docket Number | 19502-03550       |

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Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document No.<br>Number – Kind Code <sup>2</sup> (if known) | Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document |
|--------------------|-----------------------|--|--------------------|--|
|                    |                       | US-6,256,785   | 07-03-2001         | Klappert et al.                                    |
|                    |                       | US-6,181,335   | 01-30-2001         | Hendricks et al.                                   |
|                    |                       | US-6,008,802   | 12-28-1999         | Iki et al.   |
|                    |                       | US-5,974,222   | 10-26-1999         | Yuen et al.  |
|                    |                       | US-5,970,206   | 10-19-1999         | Yuen et al.  |
|                    |                       | US-5,931,908   | 08-03-1999         | Gerba et al.                                       |
|                    |                       | US-5,872,589   | 02-16-1999         | Morales  |
|                    |                       | US-5,850,447   | 12-15-1998         | Peyret   |
|                    |                       | US-5,790,198   | 08-04-1998         | Roop et al.  |
|                    |                       | US-5,774,664   | 06-30-1998         | Hidary et al.                                      |
|                    |                       | US-5,768,539   | 06-16-1998         | Metz et al.  |
|                    |                       | US-5,719,618   | 02-17-1998         | Park   |
|                    |                       | US-5,657,072   | 08-12-1997         | Aristides et al.                                   |
|                    |                       | US-5,559,550   | 09-24-1996         | Mankovitz  |

**OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sup>3</sup> |
|--------------------|-----------------------|--|----------------|
|                    |                       | EVAIN, J.P. The Multimedia Home Platform – an overview, EBU Technical Department Review – Spring 1998.   |                |
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|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

19502/03550/DOCS/1443897.1

06/16/04